

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANGEL PERRY,

Plaintiff,

vs.

JOHN A. GUERRIERI, DDS PLLC

d/b/a JOHN A GUERRIERI DDS

Defendant.

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**NOTICE OF MOTION FOR  
PLAINTIFF'S THIRD MOTION  
FOR SANCTIONS**

Case no. 18-cv-6443

**PLEASE TAKE NOTICE** that upon the Declaration of Steven Huber, dated December 11, 2020, with exhibit, the Attorney Declaration of Stacey E. Trien, Esq., dated December 11, 2020, with exhibits, as well as the prior pleadings and proceedings herein, plaintiff, Angel Perry, by her attorneys, Adams Leclair LLP, before Honorable Mark W. Pedersen, at the U.S. Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be determined by the Court, will move for an Order pursuant to Fed.R.Civ. P. 16 and 37, entering sanctions for Defendant's failure to comply with the Court's October 3, 2019 discovery Order [Dkt 27], including striking Defendant's Answer and affirmative defenses to the Complaint; or in the alternative directing that certain facts be taken as established for purpose of the action; prohibiting Defendant from supporting or opposing certain claims and defenses; prohibiting Defendant from introducing particular documentary evidence and testimony in evidence; striking of affirmative defenses no. three, four, five, and six; and awarding attorney's fees to Plaintiff, and ordering such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff intends to file and serve reply

papers. Oral argument is requested.

Dated: December 11, 2020

**ADAMS LECLAIR LLP**

s/ Stacey E. Trien

Steven E. Cole, Esq.

Stacey E. Trien, Esq.

*Attorneys for Plaintiff*

28 E. Main St., Suite 1500

Rochester, New York 14614

Tel: 585-327-4100

Fax: 585-327-4200

scole@adamsleclair.law

strien@adamsleclair.law